



NATIONAL LABOR RELATIONS BOARD

WASHINGTON, D.C. 20570

FOR IMMEDIATE RELEASE
Friday, October 11, 1996

R-2177
202/273-1991

INTRODUCTION OF THE HONORABLE RICHARD J. GOLDSTONE

ASSESSING THE WORK OF THE U.N. WAR CRIMES TRIBUNALS

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October 12, 1996
4:00 p.m.
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Room 290
Stanford, California

There is no element of a democratic and open society more essential to its well-being than the rule of law. This, more than all else, is the dividing line between freedom and the despotism which has taken some of its most sophisticated forms of repressive cruelty in this century. The administration and application of the rule of law by principled independent adjudicators and officers of the court -- those who function without regard to the political pressures from which the most cloistered cannot avoid some measure of contact -- is inextricably bound up with the idea itself.

When I first returned to the "new" South Africa a little more than five years ago, the country which Alan Paton had emblazoned in western consciousness with its "hills beyond singing of," was taking the first of many tentative steps toward a political system in which all of its people could participate.

The path toward this objective, and through the complex thickets of constitutional negotiations which took place over a three-year period and the elections of May 1994, was strewn with both discord and escalating violence. South Africa's people, and its friends throughout the world, watched in horror at the developments arguably akin to those which a young Abraham Lincoln had described in this country more than twenty years prior to our fateful Civil War: "... the increasing disregard for law which pervades the country; the growing disposition to substitute the wild and furious passions, in lieu of the sober judgments of Courts; and the worse than savage mobs"

Justice Richard Goldstone's appointment as Chairman of the Commission of Inquiry regarding Public Violence and Intimidation, a position that he held from 1991-1994, was an effort to determine the causes of the political violence which afflicted South Africa, to determine what the facts were, and, in Justice Goldstone's words to, "... make them public regardless of the consequences." It is through my personal observation of this Commission, my attendance at its public hearings (which was facilitated by Justice Goldstone), and my examination of the Commission's reports and press commentary about them in South Africa, the United States and Great Britain, which brought me into contact with Justice Goldstone. My judgment then and now has been that the Commission's achievements were considerable, not the least of which resulted in the de Klerk government's dismissal of sixteen senior officers and its suspension of seven others, in what was widely viewed at the time as the biggest military shake-up in that country in 70 years!

Justice Goldstone's abiding commitment to human rights and his reputation as an independent jurist antedated the new South Africa and the landmark developments of 1989 and 1990 in that country, which led to the release of President Nelson Mandela. This reputation was obtained in a less felicitous environment through years of work as advocate and senior counsel in Johannesburg, a Justice of the Transvaal Supreme Court in which province Johannesburg and much of South Africa industry and labor is located, between 1980 and 1989, and Justice of the Appellate Division of the Supreme Court of South Africa from 1989-1994.

Today, Justice Goldstone sits as a member South Africa's newly created and much respected Constitutional Court, a position to which he will return shortly. The Court's ruling, which invalidated the death penalty, has caught the attention of this country and the rest of the world. But the world knows most about Justice Goldstone through his most recent and undoubtedly most challenging task, Prosecutor for the International Criminal Tribunal for the former Yugoslavia and International Criminal Tribunal for Rwanda.

Scarcely a day goes by in my current position in Washington, D.C., where I do not reflect anew upon the inevitable relationship between what we do in this country and the developments of standards abroad. A focus upon labor standards on an international level has only evolved in the wake of World War I and the Bolshevik Revolution which occurred with near simultaneity.

And only slightly beyond a half century ago has there been the first determined attempt to extend the rule of law and its framework beyond national boundaries through the Nuremberg and Tokyo War Crimes Tribunals and their international condemnation of genocide and the barbarism associated with it. Since his appointment as Chief Prosecutor, Justice Goldstone has insisted that the body of international law formulated at Nuremberg and Tokyo and in the 1949 Geneva Conventions must be implemented if mass murder and torture are to be effectively eliminated.

All too frequently in this country we have seen that the development of legal standards without any framework and mechanism for enforcement, produces not only discontent but also the cynicism which itself may fuel a cancerous disrespect for law -- a downward spiral which ultimately culminates in violence.

Justice Goldstone, both in South Africa and as Chief Prosecutor involving war crimes in the former Yugoslavia and Rwanda, has provided us with a renewed and inspirational focus upon the international rule of law. It is an honor to introduce and welcome him here to Stanford Law School. I am pleased to present my friend, the eminent Justice Richard Goldstone.

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